IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6434 OF 2005

Mrs. Janhavi Niraj Deshmukh ..Petitioner
V/s
State of Maharashtra & Anr. ..Respondents.

Mr. K.S. Patil for the petitioner.

Mr.Vivek N. Kantawala with Mr. Vivek H. Sharma and Ms. Shewata Garekar i/b Vivek Kantawala & Co. for the respondent No.2.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 19TH SEPTEMBER, 2006.

P.C.

. The application is filed by the petitioner-wife for cancellation of bail granted to respondent No.2 mother-in-law in proceedings where she has alleged offences, inter-alia, punishable under section 498A of Indian Penal Code.

2. Mr. Patil appearing for the petitioner-wife states that the respondent No.2- mother-in-law has been enlarged on bail by the trial Court without imposing appropriate conditions. The trial Court ought to have been aware of the seriousness of the offence and the

fact that the husband of the petitioner is yet absconding. So also, the parties are residing in the United States of America. This is a fit case where stringent conditions should have been imposed to secure the presence of the second respondent at the trial. This Court, taking notice of grievance, had passed an order that the respondent No.2 shall not leave India till the present application is heard and disposed of finally.

3. Mr. Kantawala, after taking instructions, states that respondent No. 2 is willing to abide by this condition and is ready and willing to surrender her passport to the trial Court.

4. Accordingly, the second respondent mother-in-law is directed to deposit her passport with the trial Court. If she desires to leave India she must take prior permission of the trial Court. With this modification the present application is disposed of. The respondent No.2 shall continue to be enlarged on bail but with the aforesaid conditions and breach of which would entail filing of a fresh application which

would be dealt with in accordance with law. At the request of Mr. Kantawala 4 weeks time is granted to respondent No.2 to surrender her passport in the trial Court. However, during this period the second respondent shall continue to reside in India and shall not leave the country without seeking prior permission from the trial Court.

( S.C.DHARMADHIKARI, J.)